

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_

UNITED STATES OF AMERICA

Plaintiff,

vs.

DR. CHAD LIVDAHL, N.D., DR. ZARAH  
KARIM, N.D., TOXIN RESEARCH  
INTERNATIONAL, INC., POWDERZ,  
INC., THE COSMETIC PHARMACY,  
INC., and Z SPA INC.,

Defendants.

\_\_\_\_\_ /

**AFFIDAVIT OF FDA SPECIAL AGENT TINA STASULLI KORB**  
**IN SUPPORT OF UNITED STATES' MOTION FOR TEMPORARY**  
**RESTRAINING ORDER, PRELIMINARY INJUNCTION AND**  
**PERMANENT INJUNCTION**

The undersigned, Tina Stasulli Korb, being duly sworn, deposes and states:

1. I am employed as a Special Agent with the United States Food and Drug Administration (FDA), Office of Criminal Investigations (OCI) in Plantation, FL. I have been in my current position since March 2002. I was previously employed for approximately 5 years as a Special Agent with the U.S. Department of Commerce/Bureau of Export Administration/Export Enforcement.

2. On December 14, 2004, I contacted by telephone Anita D'Entremont, head registered nurse at Hudson Dermatology, Neera Agarwal-Antal, MD Inc., located at 1325 Corporate Drive, Suite A, Hudson, Ohio 44235. Dr. Agarwal-Antal is a board-certified

dermatologist and dermatologic surgeon. D'Entremont advised me Dr. Agarwal-Antal's office had received a flyer in the mail from Toxin Research International, Inc. ("TRI"), advertising Botulinum Neurotoxin Type A for sale. The office ordered one vial, but upon seeing the label stating that it was not for human use, D'Entremont contacted TRI and advised them that she worked for a physician who did not do research. TRI would not take the product back. Dr. Agarwal-Antal's office then discarded the product. Following this incident, Dr. Agarwal-Antal's office continued to receive flyers from TRI advertising the Botulinum Toxin Type A and threw the flyers in the trash.

3. On December 23, 2004, I received a facsimile from D'Entremont forwarding a facsimile that Dr. Agarwal-Antal's office had received from TRI, dated 12/22/04 (facsimile attached as Exhibit 1). The facsimile from TRI shows that TRI continues to market its non-FDA-approved Botulinum Neurotoxin Type A to physicians.

Executed this \_\_\_\_ day of December 2004.

---

Tina Stasulli Korb  
Special Agent  
U.S. Food and Drug Administration  
Office of Criminal Investigations

Sworn to and subscribed before me this  
\_\_\_\_ day of December 2004.

---

Notary Public  
My commission expires:

NEERA AGARAWAL-ANTAL, MD. INC.  
1325 CORPORATE DR. SUITE A HUDSON, OHIO 44236  
FAX: 330-650-6900 PHONE: 330-650-4200

FACSIMILE TRANSMITTAL SHEET

TO: Special Agent Tina Kolk FROM: Shirley M. D'Entremont, RN  
COMPANY: TRI DATE: 12-23-04  
FAX NUMBER: 954-476-5435 TOTAL NO. OF PAGES INCLUDING COVER: (2)  
PHONE NUMBER: 954-476-5437 SENDER'S REFERENCE NUMBER:  
RE: New TRI Fax YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

This message contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should either call or send the fax back to the number provided at the top of this sheet. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

[CLICK HERE AND TYPE RETURN ADDRESS]

**FOR IMMEDIATE RELEASE 12/22/04 7:00 PM EST**



**For Research Purposes  
Not for Human Use**

**TOXIN RESEARCH INTERNATIONAL, INC.**

**P.O. BOX 89357 TUCSON, ARIZONA 85752 USA**

**WWW.TOXINRESEARCH.COM**

**Clostridium botulinum toxin type A**

**December 22, 2004**

**Dear Sir/Madam:**

**I am sure that you are all aware of the unfortunate events that have occurred in Florida in recent weeks.**

**Toxin Research International, Inc. (TRI) would officially like to inform you that it had no involvement in this incident.**

**The FDA, in fulfilling its duties, evidently felt obligated to investigate TRI. Contrary to the inaccurate statements made by the media, TRI is, and always has, cooperated to its fullest extent with the FDA and its investigation.**

**We wish to extend to you our deepest apologies for any inconvenience that this may have caused to you and your research as we are aware that product inconsistency and delays during a project may result in invalid outcomes.**

**Please inform us, in writing if this incident has affected your research in a negative manner. If so, we would be obliged to send you one (1) complimentary 500IU (5ng) vial with your next order.**

**We look forward to restoring your complete confidence in our product and our company.**

**We wish you a Happy Holiday Season and a wonderful New Year!**

**Sincerely,**

**Dr. Chad Livdahl - CEO  
T.R.I.**